


I certify this to be a true and correct
copy of the indicated document as
referred or transmitted to committee.

Chief Clerk of the House

FILED FEB 23 2005

By: 

H.J.R. No. 54

A JOINT RESOLUTION

1 proposing a constitutional amendment creating the Texas rail
2 relocation and improvement fund and authorizing grants of money and
3 issuance of obligations for financing the relocation,
4 construction, reconstruction, acquisition, improvement,
5 rehabilitation, and expansion of rail facilities.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Article III, Texas Constitution, is amended by
8 adding Section 49-o to read as follows:

9 Sec. 49-o. (a) In this section:

10 (1) "Commission" means the Texas Transportation
11 Commission or its successor.

12 (2) "Comptroller" means the comptroller of public
13 accounts of the State of Texas.

14 (3) "Department" means the Texas Department of
15 Transportation or its successor.

16 (4) "Fund" means the Texas rail relocation and
17 improvement fund.

18 (5) "Improvement" includes construction,
19 reconstruction, acquisition, rehabilitation, and expansion.

20 (6) "Obligations" means bonds, notes, and other public
21 securities.

22 (b) The Texas rail relocation and improvement fund is
23 created in the state treasury. The fund shall be administered by
24 the commission to provide a method of financing the relocation and

1 improvement of privately and publicly owned passenger and freight
2 rail facilities for the purposes of:

3 (1) relieving congestion on public highways;

4 (2) enhancing public safety;

5 (3) improving air quality; or

6 (4) expanding economic opportunity.

7 (c) The commission may issue and sell obligations of the
8 state and enter into related credit agreements that are payable
9 from and secured by a pledge of and a lien on all or part of the
10 money on deposit in the fund in an aggregate principal amount that
11 can be repaid when due from money on deposit in the fund, as that
12 aggregate amount is projected by the comptroller in accordance with
13 procedures established by law. The proceeds of the obligations
14 must be deposited in the fund and used for one or more specific
15 purposes authorized by law, including:

16 (1) refunding obligations and related credit
17 agreements authorized by this section;

18 (2) creating reserves for payment of the obligations
19 and related credit agreements;

20 (3) paying the costs of issuance; and

21 (4) paying interest on the obligations and related
22 credit agreements for a period not longer than the maximum period
23 established by law.

24 (d) The legislature by law may dedicate to the fund one or
25 more specific sources or portions, or a specific amount, of the
26 revenue, including taxes, and other money of the state that are not
27 otherwise dedicated by this constitution.

1 (e) Money dedicated as provided by this section is
2 appropriated when received by the state, shall be deposited in the
3 fund, and may be used as provided by this section and law enacted
4 under this section without further appropriation. While money in
5 the fund is pledged to the payment of any outstanding obligations or
6 related credit agreements, the dedication of a specific source or
7 portion of revenue, taxes, or other money made as provided by this
8 section may not be reduced, rescinded, or repealed unless:

9 (1) the legislature by law dedicates a substitute or
10 different source that is projected by the comptroller to be of a
11 value equal to or greater than the source or amount being reduced,
12 rescinded, or repealed and authorizes the commission to implement
13 the authority granted by Subsection (f) of this section; and

14 (2) the commission implements the authority granted by
15 the legislature pursuant to Subsection (g) of this section.

16 (f) In addition to the dedication of specified sources or
17 amounts of revenue, taxes, or money as provided by Subsection (e) of
18 this section, the legislature may by law authorize the commission
19 to guarantee the payment of any obligations and credit agreements
20 issued and executed by the commission under the authority of this
21 section by pledging the full faith and credit of the state to that
22 payment if dedicated revenue is insufficient for that purpose. If
23 that authority is granted and is implemented by the commission,
24 while any of the bonds, notes, other obligations, or credit
25 agreements are outstanding and unpaid, and for any fiscal year
26 during which the dedicated revenue, taxes, and money are
27 insufficient to make all payments when due, there is appropriated,

1 and there shall be deposited in the fund, out of the first money
2 coming into the state treasury in each fiscal year that is not
3 otherwise appropriated by this constitution, an amount sufficient
4 to pay the principal of and interest on the obligations and
5 agreements that become due during that fiscal year, minus any
6 amount in the fund that is available for that payment in accordance
7 with applicable law.

8 (g) Proceedings authorizing obligations and related credit
9 agreements to be issued and executed under the authority of this
10 section shall be submitted to the attorney general for approval as
11 to their legality. If the attorney general finds that they will be
12 issued in accordance with this section and applicable law, the
13 attorney general shall approve them, and, after payment by the
14 purchasers of the obligations in accordance with the terms of sale
15 and after execution and delivery of the related credit agreements,
16 the obligations and related credit agreements are incontestable for
17 any cause.

18 (h) Obligations and credit agreements issued or executed
19 under the authority of this section may not be included in the
20 computation required by Section 49-j, Article III, of this
21 constitution, except that if money has been dedicated to the fund
22 without specification of its source or the authority granted by
23 Subsection (g) of this section has been implemented, the
24 obligations and credit agreements shall be included to the extent
25 the comptroller projects that general funds of the state, if any,
26 will be required to pay amounts due on or on account of the
27 obligations and credit agreements.

1 (i) The collection and deposit of the amounts required by
2 this section, applicable law, and contract to be applied to the
3 payment of obligations and credit agreements issued, executed, and
4 secured under the authority of this section may be enforced by
5 mandamus against the commission, the department, and the
6 comptroller in a district court of Travis County, and the sovereign
7 immunity of the state is waived for that purpose.

8 SECTION 2. This proposed constitutional amendment shall be
9 submitted to the voters at an election to be held November 8, 2005.
10 The ballot shall be printed to permit voting for or against the
11 proposition: "The constitutional amendment creating the Texas rail
12 relocation and improvement fund and authorizing grants of money and
13 issuance of obligations for financing the relocation,
14 construction, reconstruction, acquisition, improvement,
15 rehabilitation, and expansion of rail facilities."

HOUSE COMMITTEE REPORT

05 APR -8 AM 7: 54
HOUSE OF REPRESENTATIVES

1st Printing

By: McClendon

H.J.R. No. 54

Substitute the following for H.J.R. No. 54:

By: Phillips

C.S.H.J.R. No. 54

A JOINT RESOLUTION

1 proposing a constitutional amendment creating the Texas rail
2 relocation and improvement fund and authorizing grants of money and
3 issuance of obligations for financing the relocation,
4 construction, reconstruction, acquisition, improvement,
5 rehabilitation, and expansion of certain rail facilities.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Article III, Texas Constitution, is amended by
8 adding Section 49-o to read as follows:

9 Sec. 49-o. (a) In this section:

10 (1) "Commission" means the Texas Transportation
11 Commission or its successor.

12 (2) "Comptroller" means the comptroller of public
13 accounts of the State of Texas.

14 (3) "Department" means the Texas Department of
15 Transportation or its successor.

16 (4) "Fund" means the Texas rail relocation and
17 improvement fund.

18 (5) "Improvement" includes construction,
19 reconstruction, acquisition, rehabilitation, and expansion.

20 (6) "Obligations" means bonds, notes, and other public
21 securities.

22 (b) The Texas rail relocation and improvement fund is
23 created in the state treasury. The fund shall be administered by
24 the commission to provide a method of financing the relocation and

1 improvement of privately and publicly owned passenger and freight
2 rail facilities for the purposes of:

3 (1) converting freight rail lines to commuter rail
4 lines for the purpose of relieving congestion on public highways;

5 (2) moving freight rail lines carrying hazardous
6 materials through urban areas for the purpose of enhancing public
7 safety;

8 (3) improving air quality; or

9 (4) expanding economic opportunity.

10 (c) The commission may issue and sell obligations of the
11 state and enter into related credit agreements that are payable
12 from and secured by a pledge of and a lien on all or part of the
13 money on deposit in the fund in an aggregate principal amount that
14 can be repaid when due from money on deposit in the fund, as that
15 aggregate amount is projected by the comptroller in accordance with
16 procedures established by law. The proceeds of the obligations
17 must be deposited in the fund and used for one or more specific
18 purposes authorized by law, including:

19 (1) refunding obligations and related credit
20 agreements authorized by this section;

21 (2) creating reserves for payment of the obligations
22 and related credit agreements;

23 (3) paying the costs of issuance; and

24 (4) paying interest on the obligations and related
25 credit agreements for a period not longer than the maximum period
26 established by law.

27 (d) The legislature by law may dedicate to the fund one or

1 more specific sources or portions, or a specific amount, of the
2 revenue, including taxes, and other money of the state that are not
3 otherwise dedicated by this constitution.

4 (e) Money dedicated as provided by this section is
5 appropriated when received by the state, shall be deposited in the
6 fund, and may be used as provided by this section and law enacted
7 under this section without further appropriation. While money in
8 the fund is pledged to the payment of any outstanding obligations or
9 related credit agreements, the dedication of a specific source or
10 portion of revenue, taxes, or other money made as provided by this
11 section may not be reduced, rescinded, or repealed unless:

12 (1) the legislature by law dedicates a substitute or
13 different source that is projected by the comptroller to be of a
14 value equal to or greater than the source or amount being reduced,
15 rescinded, or repealed and authorizes the commission to implement
16 the authority granted by Subsection (f) of this section; and

17 (2) the commission implements the authority granted by
18 the legislature pursuant to Subsection (g) of this section.

19 (f) In addition to the dedication of specified sources or
20 amounts of revenue, taxes, or money as provided by Subsection (e) of
21 this section, the legislature may by law authorize the commission
22 to guarantee the payment of any obligations and credit agreements
23 issued and executed by the commission under the authority of this
24 section by pledging the full faith and credit of the state to that
25 payment if dedicated revenue is insufficient for that purpose. If
26 that authority is granted and is implemented by the commission,
27 while any of the bonds, notes, other obligations, or credit

1 agreements are outstanding and unpaid, and for any fiscal year
2 during which the dedicated revenue, taxes, and money are
3 insufficient to make all payments when due, there is appropriated,
4 and there shall be deposited in the fund, out of the first money
5 coming into the state treasury in each fiscal year that is not
6 otherwise appropriated by this constitution, an amount sufficient
7 to pay the principal of and interest on the obligations and
8 agreements that become due during that fiscal year, minus any
9 amount in the fund that is available for that payment in accordance
10 with applicable law.

11 (g) Proceedings authorizing obligations and related credit
12 agreements to be issued and executed under the authority of this
13 section shall be submitted to the attorney general for approval as
14 to their legality. If the attorney general finds that they will be
15 issued in accordance with this section and applicable law, the
16 attorney general shall approve them, and, after payment by the
17 purchasers of the obligations in accordance with the terms of sale
18 and after execution and delivery of the related credit agreements,
19 the obligations and related credit agreements are incontestable for
20 any cause.

21 (h) Obligations and credit agreements issued or executed
22 under the authority of this section may not be included in the
23 computation required by Section 49-j, Article III, of this
24 constitution, except that if money has been dedicated to the fund
25 without specification of its source or the authority granted by
26 Subsection (g) of this section has been implemented, the
27 obligations and credit agreements shall be included to the extent

1 the comptroller projects that general funds of the state, if any,
2 will be required to pay amounts due on or on account of the
3 obligations and credit agreements.

4 (i) The collection and deposit of the amounts required by
5 this section, applicable law, and contract to be applied to the
6 payment of obligations and credit agreements issued, executed, and
7 secured under the authority of this section may be enforced by
8 mandamus against the commission, the department, and the
9 comptroller in a district court of Travis County, and the sovereign
10 immunity of the state is waived for that purpose.

11 SECTION 2. This proposed constitutional amendment shall be
12 submitted to the voters at an election to be held November 8, 2005.
13 The ballot shall be printed to permit voting for or against the
14 proposition: "The constitutional amendment creating the Texas rail
15 relocation and improvement fund and authorizing grants of money and
16 issuance of obligations for financing the relocation,
17 construction, reconstruction, acquisition, improvement,
18 rehabilitation, and expansion of rail facilities, including
19 freight rail lines, especially those carrying hazardous materials
20 through urban areas, or the conversion of freight rail lines to
21 commuter rail lines to relieve congestion on public highways to
22 enhance public safety."

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

4-7-05
(date)

Sir:

We, your COMMITTEE ON TRANSPORTATION

to whom was referred HJR 54 have had the same under consideration and beg to report back with the recommendation that it

- ☐ do pass, without amendment.
☐ do pass, with amendment(s).
☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
☒ yes ☐ no A fiscal note was requested.
☐ yes ☒ no A criminal justice policy impact statement was requested.
☐ yes ☒ no An equalized educational funding impact statement was requested.
☐ yes ☒ no An actuarial analysis was requested.
☐ yes ☒ no A water development policy impact statement was requested.
☐ yes ☒ no A tax equity note was requested.
☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Krusee, Chair	✓			
Phillips, Vice-chair	✓			
Callegari	✓			
Casteel	✓			
Deshotel				✓
Flores				✓
Hamric	✓			
Hill	✓			
West				✓

Total

6 aye
0 nay
0 present, not voting
3 absent

Mike Krusee
CHAIR

BILL ANALYSIS

C.S.H.J.R. 54
By: McClendon
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

From January through November of 2004 Union Pacific reported 21 accidents in Bexar County, one of which resulted in the deaths of five people. On two occasions hazardous materials were released. In San Marcos 200 people were evacuated when seven cars of a 109 car train headed for San Antonio derailed; four of the derailed cars contained 118 gallons of sulfuric acid and 278 gallons of xylene. Railroad tracks that route train cars through populated areas can and do cause harm to Texas residents in the occurrence of train accidents.

C.S.H.J.R. 54 amends the Texas Constitution to create the Texas rail relocation and improvement fund.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.J.R. 54 amends the Texas Constitution to create the Texas rail relocation and improvement fund in the state treasury. The resolution requires the fund to be administered by the Texas Transportation Commission to provide a method of financing the relocation and improvement of privately and publicly owned passenger and freight facilities for the purposes of moving freight rail lines carrying hazardous materials through urban areas for the purpose of enhancing public safety, expanding economic opportunity, converting freight rail lines to commuter rail lines for the purpose of relieving congestion on public highways, and improving air quality. The resolution provides for the issuance and sale of obligations by the commission and specifies the purposes for which the proceeds of the obligations may be used. The resolution sets forth provisions regarding money dedicated to the fund and the commission's responsibility for payment of obligations and credit agreements executed by the commission.

EFFECTIVE DATE

This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute clarifies that the goal of relieving congestion on public highways will be accomplished by converting freight rail lines to commuter rail and that the goal of enhancing public safety will be accomplished by moving freight lines carrying hazardous materials out of urban areas. The substitute modifies the ballot language accordingly.

SUMMARY OF COMMITTEE ACTION

HJR 54

March 22, 2005 8:00AM

Considered in public hearing

Committee substitute considered in committee

Testimony taken in committee (See attached witness list.)

Left pending in committee

April 7, 2005 upon first adjournment

Considered in formal meeting

Committee substitute considered in committee

Reported favorably as substituted

WITNESS LIST

HJR 54
HOUSE COMMITTEE REPORT
Transportation Committee

March 22, 2005 - 8:00AM

For: Olson, Ron (Union Pacific RR)
On: Nichols, Robert (Tx Trans Commission)

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 7, 2005

TO: Honorable Mike Krusee, Chair, House Committee on Transportation

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR54 by McClendon (Proposing a constitutional amendment creating the Texas rail relocation and improvement fund and authorizing grants of money and issuance of obligations for financing the relocation, construction, reconstruction, acquisition, improvement, rehabilitation, and expansion of rail facilities.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$66,497.

The resolution would propose an amendment to the Texas Constitution to create the Texas Rail Relocation and Improvement Fund (Fund) in the State Treasury and allow the Texas Transportation Commission (TTC) to issue and sell obligations of the state that would be payable from, and secured by a pledge of and a lien on all or part of the money on deposit in the fund, as that aggregate amount was projected by the Comptroller. The proceeds of any obligation issued would have to be deposited in the Fund and be used for specified purposes.

The proposed amendment would authorize the Legislature to dedicate to the Fund one or more specific sources or portions, or a specific amount of the revenue, including taxes, and other money of the state not otherwise dedicated by the State Constitution. Obligations issued under the authority of this resolution could not be included in the computation of the limit on state debt payable from the General Revenue Fund, required by Section 49-j, Article III, of the State Constitution. Except that if money had been dedicated to the Fund without specification of its source or the obligations had been found by the Attorney General to be incontestable for any cause, the obligations would be included to the extent the Comptroller projected that general funds of the state, if any, would be required to pay amounts due on or on account of the obligations.

The proposed amendment would allow the Legislature, by law, to authorize TTC to guarantee the payment of any obligations issued and executed by TTC under the authority of this resolution by pledging the full faith and credit of the state to those payments. If that authority is granted, the proposed amendment would require an appropriation and deposit to the Fund, out of the first money coming into the State Treasury in each fiscal year that is not otherwise appropriated by the constitution. The amount would be sufficient to pay the principal and interest on the obligations that become due during that fiscal year, minus any amount in the Fund that is available for those payments.

Costs related to the enactment of this resolution are provided in the cost estimate for the enabling legislation. The proposed constitutional amendment would take effect if approved by voters at an election to be held November 8, 2005.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 352 Bond Review Board, 601 Department of Transportation

LBB Staff: JOB, SR, MW, TG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 21, 2005

TO: Honorable Mike Krusee, Chair, House Committee on Transportation

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR54 by McClendon (Proposing a constitutional amendment creating the Texas rail relocation and improvement fund and authorizing grants of money and issuance of obligations for financing the relocation, construction, reconstruction, acquisition, improvement, rehabilitation, and expansion of rail facilities.), **As Introduced**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$66,497.

The resolution would propose an amendment to the Texas Constitution to create the Texas Rail Relocation and Improvement Fund (Fund) in the State Treasury and allow the Texas Transportation Commission (TTC) to issue and sell obligations of the state that would be payable from, and secured by a pledge of and a lien on all or part of the money on deposit in the fund, as that aggregate amount was projected by the Comptroller. The proceeds of any obligation issued would have to be deposited in the Fund and be used for specified purposes. The proposed amendment would authorize the Legislature to dedicate to the Fund one or more specific sources or portions, or a specific amount of the revenue, including taxes, and other money of the state not otherwise dedicated by the State Constitution. Obligations issued under the authority of this resolution could not be included in the computation of the limit on state debt payable from the General Revenue Fund, required by Section 49-j, Article III, of the State Constitution. Except that if money had been dedicated to the Fund without specification of its source or the obligations had been found by the Attorney General to be incontestable for any cause, the obligations would be included to the extent the Comptroller projected that general funds of the state, if any, would be required to pay amounts due on or on account of the obligations.

The proposed amendment would allow the Legislature, by law, to authorize TTC to guarantee the payment of any obligations issued and executed by TTC under the authority of this resolution by pledging the full faith and credit of the state to those payments. If that authority is granted, the proposed amendment would require an appropriation and deposit to the Fund, out of the first money coming into the State Treasury in each fiscal year that is not otherwise appropriated by the constitution. The amount would be sufficient to pay the principal and interest on the obligations that become due during that fiscal year, minus any amount in the Fund that is available for those payments.

Costs related to the enactment of this resolution are provided in the cost estimate for the enabling legislation. The proposed constitutional amendment would take effect if approved by voters at an election to be held November 8, 2005.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 352 Bond Review Board, 601 Department of Transportation

LBB Staff: JOB, SR, MW, TG

ADOPTED

APR 25 2005

Robert J. Perry
Chief Clerk
House of Representatives

as amended

By: McClendon

Substitute the following for H.J.R. No. 54:

By: Phillips

~~H.J.R. No. 54~~

~~C.S. H.J.R. No. 54~~

A JOINT RESOLUTION

1 proposing a constitutional amendment creating the Texas rail
2 relocation and improvement fund and authorizing grants of money and
3 issuance of obligations for financing the relocation,
4 construction, reconstruction, acquisition, improvement,
5 rehabilitation, and expansion of certain rail facilities.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Article III, Texas Constitution, is amended by
8 adding Section 49-o to read as follows:

9 Sec. 49-o. (a) In this section:

10 (1) "Commission" means the Texas Transportation
11 Commission or its successor.

12 (2) "Comptroller" means the comptroller of public
13 accounts of the State of Texas.

14 (3) "Department" means the Texas Department of
15 Transportation or its successor.

16 (4) "Fund" means the Texas rail relocation and
17 improvement fund.

18 (5) "Improvement" includes construction,
19 reconstruction, acquisition, rehabilitation, and expansion.

20 (6) "Obligations" means bonds, notes, and other public
21 securities.

22 (b) The Texas rail relocation and improvement fund is
23 created in the state treasury. The fund shall be administered by
24 the commission to provide a method of financing the relocation and

1 improvement of privately and publicly owned passenger and freight
2 rail facilities for the purposes of:

3 (1) converting freight rail lines to commuter rail
4 lines for the purpose of relieving congestion on public highways;

5 (2) moving freight rail lines carrying hazardous
6 materials through urban areas for the purpose of enhancing public
7 safety;

8 (3) improving air quality; or

9 (4) expanding economic opportunity.

10 (c) The commission may issue and sell obligations of the
11 state and enter into related credit agreements that are payable
12 from and secured by a pledge of and a lien on all or part of the
13 money on deposit in the fund in an aggregate principal amount that
14 can be repaid when due from money on deposit in the fund, as that
15 aggregate amount is projected by the comptroller in accordance with
16 procedures established by law. The proceeds of the obligations
17 must be deposited in the fund and used for one or more specific
18 purposes authorized by law, including:

19 (1) refunding obligations and related credit
20 agreements authorized by this section;

21 (2) creating reserves for payment of the obligations
22 and related credit agreements;

23 (3) paying the costs of issuance; and

24 (4) paying interest on the obligations and related
25 credit agreements for a period not longer than the maximum period
26 established by law.

27 (d) The legislature by law may dedicate to the fund one or

1 more specific sources or portions, or a specific amount, of the
2 revenue, including taxes, and other money of the state that are not
3 otherwise dedicated by this constitution.

4 (e) Money dedicated as provided by this section is
5 appropriated when received by the state, shall be deposited in the
6 fund, and may be used as provided by this section and law enacted
7 under this section without further appropriation. While money in
8 the fund is pledged to the payment of any outstanding obligations or
9 related credit agreements, the dedication of a specific source or
10 portion of revenue, taxes, or other money made as provided by this
11 section may not be reduced, rescinded, or repealed unless:

12 (1) the legislature by law dedicates a substitute or
13 different source that is projected by the comptroller to be of a
14 value equal to or greater than the source or amount being reduced,
15 rescinded, or repealed and authorizes the commission to implement
16 the authority granted by Subsection (f) of this section; and

17 (2) the commission implements the authority granted by
18 the legislature pursuant to Subsection ^(f)~~(g)~~ of this section.

19 (f) In addition to the dedication of specified sources or
20 amounts of revenue, taxes, or money as provided by Subsection ^(f)~~(e)~~ of
21 this section, the legislature may by law authorize the commission
22 to guarantee the payment of any obligations and credit agreements
23 issued and executed by the commission under the authority of this
24 section by pledging the full faith and credit of the state to that
25 payment if dedicated revenue is insufficient for that purpose. If
26 that authority is granted and is implemented by the commission,
27 while any of the bonds, notes, other obligations, or credit

1 agreements are outstanding and unpaid, and for any fiscal year
2 during which the dedicated revenue, taxes, and money are
3 insufficient to make all payments when due, there is appropriated,
4 and there shall be deposited in the fund, out of the first money
5 coming into the state treasury in each fiscal year that is not
6 otherwise appropriated by this constitution, an amount sufficient
7 to pay the principal of and interest on the obligations and
8 agreements that become due during that fiscal year, minus any
9 amount in the fund that is available for that payment in accordance
10 with applicable law.

11 (g) Proceedings authorizing obligations and related credit
12 agreements to be issued and executed under the authority of this
13 section shall be submitted to the attorney general for approval as
14 to their legality. If the attorney general finds that they will be
15 issued in accordance with this section and applicable law, the
16 attorney general shall approve them, and, after payment by the
17 purchasers of the obligations in accordance with the terms of sale
18 and after execution and delivery of the related credit agreements,
19 the obligations and related credit agreements are incontestable for
20 any cause.

21 (h) Obligations and credit agreements issued or executed
22 under the authority of this section may not be included in the
23 computation required by Section 49-j, Article III, of this
24 constitution, except that if money has been dedicated to the fund
25 without specification of its source or the authority granted by
26 Subsection (g) of this section has been implemented, the
27 obligations and credit agreements shall be included to the extent

1 the comptroller projects that general funds of the state, if any,
2 will be required to pay amounts due on or on account of the
3 obligations and credit agreements.

4 (i) The collection and deposit of the amounts required by
5 this section, applicable law, and contract to be applied to the
6 payment of obligations and credit agreements issued, executed, and
7 secured under the authority of this section may be enforced by
8 mandamus against the commission, the department, and the
9 comptroller in a district court of Travis County, and the sovereign
10 immunity of the state is waived for that purpose.

11 SECTION 2. This proposed constitutional amendment shall be
12 submitted to the voters at an election to be held November 8, 2005.
13 The ballot shall be printed to permit voting for or against the
14 proposition: "The constitutional amendment creating the Texas rail
15 relocation and improvement fund and authorizing grants of money and
16 issuance of obligations for financing the relocation,
17 ~~relocation and expansion of rail facilities~~ construction, ~~reconstruction,~~ acquisition, improvement,
18 rehabilitation, and expansion of rail facilities, including
19 freight rail lines, especially those carrying hazardous materials
20 through urban areas, or the conversion of freight rail lines to
21 commuter rail lines to relieve congestion on public highways to
22 enhance public safety."

LIST OF HOUSE AMENDMENTS CONSIDERED TODAY

HJR54-Second Reading

<u>AMENDMENT#</u>	<u>AUTHOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
1	McClendon	Amendment	Adopted
2	McClendon	Amendment	Adopted
3	Davis, Yvonne	Amendment	Withdrawn
4	Davis, Yvonne	Amendment	Tabled
5	King, Tracy	Amendment	Adopted



700076

ADOPTED

APR 23 2005

Rebecca
Chief Clerk
House of Representatives

WJE mb

FLOOR AMENDMENT NO.

1

LS

BY:

McClendon

Amend C.S.H.J.R. No. 54 as follows:

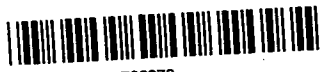
(1) On page 2, strike lines 3-7 and substitute:

(1 inserted A.D.)

(1) relieving congestion on public highways;

(2) enhancing public safety;

(2) On page 5, strike lines 17-22 and substitute
"rehabilitation, and expansion of rail facilities."



FLOOR AMENDMENT NO.

(2)

BY:

McClendon

Amend C.S.H.J.R. 54 as follows:

- ✓✓ (1) On page 3, line 18, strike "(g)" and substitute "(f)".
- ✓✓ (2) On page 3, line 20, strike "(e)" and substitute "(d)".
- ✓✓ (3) On page 4, line 26, strike "(g)" and substitute "(f)".

ADOPTED LS

APR 25 2005

Robert
Chief Clerk
House of Representatives

W JAE
cf



ADOPTED

APR 25 2005

FLOOR AMENDMENT NO. 5

BY: Mary O. K.

Chief Clerk
House of Representatives

- 1 ✓ Amend C.S.H.J.R. No. 54 (committee printing) on page 2,
2 between lines 9 and 10, by inserting: *((insert B))*
3 (b-1) The fund may also be used to provide a method of
4 financing the construction of railroad underpasses and
5 overpasses, if the construction is part of the relocation of a
6 rail facility.

type

HOUSE ENGROSSMENT

By: McClendon, Krusee, et al.

H.J.R. No. 54

A JOINT RESOLUTION

1 proposing a constitutional amendment creating the Texas rail
2 relocation and improvement fund and authorizing grants of money and
3 issuance of obligations for financing the relocation,
4 construction, reconstruction, acquisition, improvement,
5 rehabilitation, and expansion of certain rail facilities.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Article III, Texas Constitution, is amended by
8 adding Section 49-o to read as follows:

9 Sec. 49-o. (a) In this section:

10 (1) "Commission" means the Texas Transportation
11 Commission or its successor.

12 (2) "Comptroller" means the comptroller of public
13 accounts of the State of Texas.

14 (3) "Department" means the Texas Department of
15 Transportation or its successor.

16 (4) "Fund" means the Texas rail relocation and
17 improvement fund.

18 (5) "Improvement" includes construction,
19 reconstruction, acquisition, rehabilitation, and expansion.

20 (6) "Obligations" means bonds, notes, and other public
21 securities.

22 (b) The Texas rail relocation and improvement fund is
23 created in the state treasury. The fund shall be administered by
24 the commission to provide a method of financing the relocation and

1 improvement of privately and publicly owned passenger and freight
2 rail facilities for the purposes of:

- 3 (1) relieving congestion on public highways;
4 (2) enhancing public safety;
5 (3) improving air quality; or
6 (4) expanding economic opportunity.

7 (b-1) The fund may also be used to provide a method of
8 financing the construction of railroad underpasses and overpasses,
9 if the construction is part of the relocation of a rail facility.

10 (c) The commission may issue and sell obligations of the
11 state and enter into related credit agreements that are payable
12 from and secured by a pledge of and a lien on all or part of the
13 money on deposit in the fund in an aggregate principal amount that
14 can be repaid when due from money on deposit in the fund, as that
15 aggregate amount is projected by the comptroller in accordance with
16 procedures established by law. The proceeds of the obligations
17 must be deposited in the fund and used for one or more specific
18 purposes authorized by law, including:

19 (1) refunding obligations and related credit
20 agreements authorized by this section;

21 (2) creating reserves for payment of the obligations
22 and related credit agreements;

23 (3) paying the costs of issuance; and

24 (4) paying interest on the obligations and related
25 credit agreements for a period not longer than the maximum period
26 established by law.

27 (d) The legislature by law may dedicate to the fund one or

1 more specific sources or portions, or a specific amount, of the
2 revenue, including taxes, and other money of the state that are not
3 otherwise dedicated by this constitution.

4 (e) Money dedicated as provided by this section is
5 appropriated when received by the state, shall be deposited in the
6 fund, and may be used as provided by this section and law enacted
7 under this section without further appropriation. While money in
8 the fund is pledged to the payment of any outstanding obligations or
9 related credit agreements, the dedication of a specific source or
10 portion of revenue, taxes, or other money made as provided by this
11 section may not be reduced, rescinded, or repealed unless:

12 (1) the legislature by law dedicates a substitute or
13 different source that is projected by the comptroller to be of a
14 value equal to or greater than the source or amount being reduced,
15 rescinded, or repealed and authorizes the commission to implement
16 the authority granted by Subsection (f) of this section; and

17 (2) the commission implements the authority granted by
18 the legislature pursuant to Subsection (f) of this section.

19 (f) In addition to the dedication of specified sources or
20 amounts of revenue, taxes, or money as provided by Subsection (d) of
21 this section, the legislature may by law authorize the commission
22 to guarantee the payment of any obligations and credit agreements
23 issued and executed by the commission under the authority of this
24 section by pledging the full faith and credit of the state to that
25 payment if dedicated revenue is insufficient for that purpose. If
26 that authority is granted and is implemented by the commission,
27 while any of the bonds, notes, other obligations, or credit

1 agreements are outstanding and unpaid, and for any fiscal year
2 during which the dedicated revenue, taxes, and money are
3 insufficient to make all payments when due, there is appropriated,
4 and there shall be deposited in the fund, out of the first money
5 coming into the state treasury in each fiscal year that is not
6 otherwise appropriated by this constitution, an amount sufficient
7 to pay the principal of and interest on the obligations and
8 agreements that become due during that fiscal year, minus any
9 amount in the fund that is available for that payment in accordance
10 with applicable law.

11 (g) Proceedings authorizing obligations and related credit
12 agreements to be issued and executed under the authority of this
13 section shall be submitted to the attorney general for approval as
14 to their legality. If the attorney general finds that they will be
15 issued in accordance with this section and applicable law, the
16 attorney general shall approve them, and, after payment by the
17 purchasers of the obligations in accordance with the terms of sale
18 and after execution and delivery of the related credit agreements,
19 the obligations and related credit agreements are incontestable for
20 any cause.

21 (h) Obligations and credit agreements issued or executed
22 under the authority of this section may not be included in the
23 computation required by Section 49-j, Article III, of this
24 constitution, except that if money has been dedicated to the fund
25 without specification of its source or the authority granted by
26 Subsection (f) of this section has been implemented, the
27 obligations and credit agreements shall be included to the extent

1 the comptroller projects that general funds of the state, if any,
2 will be required to pay amounts due on or on account of the
3 obligations and credit agreements.

4 (i) The collection and deposit of the amounts required by
5 this section, applicable law, and contract to be applied to the
6 payment of obligations and credit agreements issued, executed, and
7 secured under the authority of this section may be enforced by
8 mandamus against the commission, the department, and the
9 comptroller in a district court of Travis County, and the sovereign
10 immunity of the state is waived for that purpose.

11 SECTION 2. This proposed constitutional amendment shall be
12 submitted to the voters at an election to be held November 8, 2005.
13 The ballot shall be printed to permit voting for or against the
14 proposition: "The constitutional amendment creating the Texas rail
15 relocation and improvement fund and authorizing grants of money and
16 issuance of obligations for financing the relocation,
17 rehabilitation, and expansion of rail facilities."

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 7, 2005

TO: Honorable Mike Krusee, Chair, House Committee on Transportation

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR54 by McClendon (Proposing a constitutional amendment creating the Texas rail relocation and improvement fund and authorizing grants of money and issuance of obligations for financing the relocation, construction, reconstruction, acquisition, improvement, rehabilitation, and expansion of rail facilities.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$66,497.

The resolution would propose an amendment to the Texas Constitution to create the Texas Rail Relocation and Improvement Fund (Fund) in the State Treasury and allow the Texas Transportation Commission (TTC) to issue and sell obligations of the state that would be payable from, and secured by a pledge of and a lien on all or part of the money on deposit in the fund, as that aggregate amount was projected by the Comptroller. The proceeds of any obligation issued would have to be deposited in the Fund and be used for specified purposes.

The proposed amendment would authorize the Legislature to dedicate to the Fund one or more specific sources or portions, or a specific amount of the revenue, including taxes, and other money of the state not otherwise dedicated by the State Constitution. Obligations issued under the authority of this resolution could not be included in the computation of the limit on state debt payable from the General Revenue Fund, required by Section 49-j, Article III, of the State Constitution. Except that if money had been dedicated to the Fund without specification of its source or the obligations had been found by the Attorney General to be incontestable for any cause, the obligations would be included to the extent the Comptroller projected that general funds of the state, if any, would be required to pay amounts due on or on account of the obligations.

The proposed amendment would allow the Legislature, by law, to authorize TTC to guarantee the payment of any obligations issued and executed by TTC under the authority of this resolution by pledging the full faith and credit of the state to those payments. If that authority is granted, the proposed amendment would require an appropriation and deposit to the Fund, out of the first money coming into the State Treasury in each fiscal year that is not otherwise appropriated by the constitution. The amount would be sufficient to pay the principal and interest on the obligations that become due during that fiscal year, minus any amount in the Fund that is available for those payments.

Costs related to the enactment of this resolution are provided in the cost estimate for the enabling legislation. The proposed constitutional amendment would take effect if approved by voters at an election to be held November 8, 2005.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 352 Bond Review Board, 601 Department of Transportation

LBB Staff: JOB, SR, MW, TG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 21, 2005

TO: Honorable Mike Krusee, Chair, House Committee on Transportation

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR54 by McClendon (Proposing a constitutional amendment creating the Texas rail relocation and improvement fund and authorizing grants of money and issuance of obligations for financing the relocation, construction, reconstruction, acquisition, improvement, rehabilitation, and expansion of rail facilities.), **As Introduced**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$66,497.

The resolution would propose an amendment to the Texas Constitution to create the Texas Rail Relocation and Improvement Fund (Fund) in the State Treasury and allow the Texas Transportation Commission (TTC) to issue and sell obligations of the state that would be payable from, and secured by a pledge of and a lien on all or part of the money on deposit in the fund, as that aggregate amount was projected by the Comptroller. The proceeds of any obligation issued would have to be deposited in the Fund and be used for specified purposes. The proposed amendment would authorize the Legislature to dedicate to the Fund one or more specific sources or portions, or a specific amount of the revenue, including taxes, and other money of the state not otherwise dedicated by the State Constitution. Obligations issued under the authority of this resolution could not be included in the computation of the limit on state debt payable from the General Revenue Fund, required by Section 49-j, Article III, of the State Constitution. Except that if money had been dedicated to the Fund without specification of its source or the obligations had been found by the Attorney General to be incontestable for any cause, the obligations would be included to the extent the Comptroller projected that general funds of the state, if any, would be required to pay amounts due on or on account of the obligations.

The proposed amendment would allow the Legislature, by law, to authorize TTC to guarantee the payment of any obligations issued and executed by TTC under the authority of this resolution by pledging the full faith and credit of the state to those payments. If that authority is granted, the proposed amendment would require an appropriation and deposit to the Fund, out of the first money coming into the State Treasury in each fiscal year that is not otherwise appropriated by the constitution. The amount would be sufficient to pay the principal and interest on the obligations that become due during that fiscal year, minus any amount in the Fund that is available for those payments.

Costs related to the enactment of this resolution are provided in the cost estimate for the enabling legislation. The proposed constitutional amendment would take effect if approved by voters at an election to be held November 8, 2005.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 352 Bond Review Board, 601 Department of Transportation

LBB Staff: JOB, SR, MW, TG

3

By: McClendon, et al. (Senate Sponsor - Staples) H.J.R. No. 54
(In the Senate - Received from the House April 26, 2005;
May 20, 2005, read first time and referred to Committee on
Transportation and Homeland Security; May 23, 2005, reported
favorably by the following vote: Yeas 6, Nays 0; May 23, 2005,
sent to printer.)

HOUSE JOINT RESOLUTION

proposing a constitutional amendment creating the Texas rail relocation and improvement fund and authorizing grants of money and issuance of obligations for financing the relocation, construction, reconstruction, acquisition, improvement, rehabilitation, and expansion of certain rail facilities.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article III, Texas Constitution, is amended by adding Section 49-o to read as follows:

Sec. 49-o. (a) In this section:

(1) "Commission" means the Texas Transportation Commission or its successor.

(2) "Comptroller" means the comptroller of public accounts of the State of Texas.

(3) "Department" means the Texas Department of Transportation or its successor.

(4) "Fund" means the Texas rail relocation and improvement fund.

(5) "Improvement" includes construction, reconstruction, acquisition, rehabilitation, and expansion.

(6) "Obligations" means bonds, notes, and other public securities.

(b) The Texas rail relocation and improvement fund is created in the state treasury. The fund shall be administered by the commission to provide a method of financing the relocation and improvement of privately and publicly owned passenger and freight rail facilities for the purposes of:

(1) relieving congestion on public highways;

(2) enhancing public safety;

(3) improving air quality; or

(4) expanding economic opportunity.

(b-1) The fund may also be used to provide a method of financing the construction of railroad underpasses and overpasses, if the construction is part of the relocation of a rail facility.

(c) The commission may issue and sell obligations of the state and enter into related credit agreements that are payable from and secured by a pledge of and a lien on all or part of the money on deposit in the fund in an aggregate principal amount that can be repaid when due from money on deposit in the fund, as that aggregate amount is projected by the comptroller in accordance with procedures established by law. The proceeds of the obligations must be deposited in the fund and used for one or more specific purposes authorized by law, including:

(1) refunding obligations and related credit agreements authorized by this section;

(2) creating reserves for payment of the obligations and related credit agreements;

(3) paying the costs of issuance; and

(4) paying interest on the obligations and related credit agreements for a period not longer than the maximum period established by law.

(d) The legislature by law may dedicate to the fund one or more specific sources or portions, or a specific amount, of the revenue, including taxes, and other money of the state that are not otherwise dedicated by this constitution.

(e) Money dedicated as provided by this section is appropriated when received by the state, shall be deposited in the fund, and may be used as provided by this section and law enacted

under this section without further appropriation. While money in the fund is pledged to the payment of any outstanding obligations or related credit agreements, the dedication of a specific source or portion of revenue, taxes, or other money made as provided by this section may not be reduced, rescinded, or repealed unless:

(1) the legislature by law dedicates a substitute or different source that is projected by the comptroller to be of a value equal to or greater than the source or amount being reduced, rescinded, or repealed and authorizes the commission to implement the authority granted by Subsection (f) of this section; and

(2) the commission implements the authority granted by the legislature pursuant to Subsection (f) of this section.

(f) In addition to the dedication of specified sources or amounts of revenue, taxes, or money as provided by Subsection (d) of this section, the legislature may by law authorize the commission to guarantee the payment of any obligations and credit agreements issued and executed by the commission under the authority of this section by pledging the full faith and credit of the state to that payment if dedicated revenue is insufficient for that purpose. If that authority is granted and is implemented by the commission, while any of the bonds, notes, other obligations, or credit agreements are outstanding and unpaid, and for any fiscal year during which the dedicated revenue, taxes, and money are insufficient to make all payments when due, there is appropriated, and there shall be deposited in the fund, out of the first money coming into the state treasury in each fiscal year that is not otherwise appropriated by this constitution, an amount sufficient to pay the principal of and interest on the obligations and agreements that become due during that fiscal year, minus any amount in the fund that is available for that payment in accordance with applicable law.

(g) Proceedings authorizing obligations and related credit agreements to be issued and executed under the authority of this section shall be submitted to the attorney general for approval as to their legality. If the attorney general finds that they will be issued in accordance with this section and applicable law, the attorney general shall approve them, and, after payment by the purchasers of the obligations in accordance with the terms of sale and after execution and delivery of the related credit agreements, the obligations and related credit agreements are incontestable for any cause.

(h) Obligations and credit agreements issued or executed under the authority of this section may not be included in the computation required by Section 49-j, Article III, of this constitution, except that if money has been dedicated to the fund without specification of its source or the authority granted by Subsection (f) of this section has been implemented, the obligations and credit agreements shall be included to the extent the comptroller projects that general funds of the state, if any, will be required to pay amounts due on or on account of the obligations and credit agreements.

(i) The collection and deposit of the amounts required by this section, applicable law, and contract to be applied to the payment of obligations and credit agreements issued, executed, and secured under the authority of this section may be enforced by mandamus against the commission, the department, and the comptroller in a district court of Travis County, and the sovereign immunity of the state is waived for that purpose.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 2005. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment creating the Texas rail relocation and improvement fund and authorizing grants of money and issuance of obligations for financing the relocation, rehabilitation, and expansion of rail facilities."

* * * * *

FAVORABLE
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 54
By McClendon / STAPLES
(Author/Senate Sponsor)
May 23, 2005
(date)

TRANSPORTATION AND HOMELAND
SECURITY

We, your Committee on _____, to which was referred the attached measure,
have on May 23, 2005, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☐ no

An actuarial analysis was requested. ☐ yes ☐ no

Considered by subcommittee. ☐ yes ☐ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Staples, Chairman	<input checked="" type="checkbox"/>			
Senator Barrientos, Vice-Chairman	<input checked="" type="checkbox"/>			
Senator Brimer	<input checked="" type="checkbox"/>			
Senator Ellis			<input checked="" type="checkbox"/>	
Senator Lindsay	<input checked="" type="checkbox"/>			
Senator Madla	<input checked="" type="checkbox"/>			
Senator Shapiro			<input checked="" type="checkbox"/>	
Senator Shapleigh	<input checked="" type="checkbox"/>			
Senator Wentworth			<input checked="" type="checkbox"/>	
TOTAL VOTES	<u>6</u>		<u>3</u>	

COMMITTEE ACTION

S260 Considered in public hearing

S270 Testimony taken

[Signature]
COMMITTEE CLERK

[Signature]
CHAIR

Paper clip the original and one copy of this signed form to the original bill
Retain one copy of this form for Committee files

BILL ANALYSIS

Senate Research Center

H.J.R. 54
By: McClendon (Staples)
Transportation & Homeland Security
5/13/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The railroad industry was deregulated in 1980. As a result, the industry dramatically improved its productivity and stabilized its market share. This was accomplished, however, by downsizing and streamlining operations and keeping capital expenditures low. The industry does not generate sufficient profits to reinvest in the infrastructure. As the demand for freight transportation increases, the rail industry's infrastructure will not be sufficient to maintain its market share and keep freight off highways.

A rail relocation and improvement fund could leverage its assets to issue bonds. It is estimated that \$100 million per year could generate \$1 billion in bond proceeds to be used for the relocation or improvement of rail lines. In some instances, the costs of the projects could be offset somewhat by the acquisition of the existing right of way (in the case of relocated lines) and the potential for increased economic development along these corridors. Savings could be generated by the availability of highway funds that otherwise would have been expended on grade-separated rail crossings, safety improvements, and right of way expenses for highway improvements.

H.J.R. 54 proposes a constitutional amendment to create the Texas rail relocation and improvement fund, which will be administered by the Texas Transportation Commission (commission) for the purpose of providing a method of financing the relocation and improvement of privately and publicly owned passenger and freight rail facilities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article III, Texas Constitution, by adding Section 49-o, as follows:

Sec. 49-o. (a) Defines "commission," "comptroller," "department," "fund," "improvement," and "obligations."

(b) Sets forth that the Texas rail relocation and improvement fund (fund) is created in the state treasury. Requires the fund to be administered by the Texas Transportation Commission (commission) to provide a method of financing the relocation and improvement of privately and publicly owned passenger and freight rail facilities for certain purposes.

(b-1) Authorizes the fund to also be used to provide a method of financing the construction of railroad underpasses and overpasses, if the construction is part of the relocation of a rail facility.

(c) Authorizes the commission to issue and sell obligations of the state and enter into related credit agreements that are payable from and secured by a pledge of and lien on all or part of the money on deposit in the fund in an aggregate principal amount that can be repaid when due from money on deposit in the fund, as that aggregate amount is projected by the comptroller of public accounts (comptroller) in accordance with procedures established by law. Requires the

proceeds of the obligations to be deposited in the fund and used for one or more specific purposes authorized by law, including certain purposes.

(d) Authorizes the legislature by law to dedicate to the fund one or more specific sources or portions, or a specific amount, of the revenue, including taxes, and other money of the state that are not otherwise dedicated by this constitution.

(e) Provides that money dedicated as provided by this section is appropriated when received by the state to be deposited in the fund and is authorized to be used as provided by this section and law enacted under this section without further appropriation. Prohibits the dedication of a specific source or portion of revenue, taxes, or other money made as provided by this section, while money in the fund is pledged to the payment of any outstanding obligations or related credit agreements, from being reduced, rescinded, or repealed, unless certain conditions exist.

(f) Authorizes the legislature, in addition to the dedication of specified sources or amounts of revenue, taxes, or money as provided by Subsection (d) of this section, to by law authorize the commission to guarantee the payment of any obligations and credit agreements issued and executed by the commission under the authority of this section by pledging the full faith and credit of the state to that payment if dedicated revenue is insufficient for that purpose. Requires an amount sufficient to pay the principal of and interest on obligations and agreements that become due during that fiscal year, minus any amount in the fund that is available for that payment in accordance with applicable law, if that authority is granted and is implemented by the commission, while any of the bonds, notes, other obligations, or credit agreements are outstanding and unpaid, and for any fiscal year during which the dedicated revenue, taxes, and money are insufficient to make all payments due, to be appropriated, and to be deposited in the fund, out of the first money coming into the state treasury in each fiscal year that is not otherwise appropriated by this constitution.

(g) Requires proceedings authorizing obligations and related credit agreements to be issued and executed under the authority of this section to be submitted to the attorney general for approval as to their legality. Requires the attorney general, if the attorney general finds that they will be issued in accordance with this section and applicable law, to approve them, and, after payment by the purchasers of the obligations in accordance with the terms of sale and after execution and delivery of the related credit agreements, the obligations and related credit agreements are incontestable for any cause.

(h) Prohibits obligations and credit agreements issued or executed under the authority of this section from being included in the computation required by Section 49-j, Article III, of this constitution, except that if money has been dedicated to the fund without specification of its source or the authority granted by Subsection (f) of this section has been implemented, and requires the obligations and credit agreements to be included to the extent the comptroller projects that general funds of the state, if any, will be required to pay amounts due on or on account of the obligations and credit agreements.

(i) Authorizes the collection and deposit of the amounts required by this section, applicable law, and contract to be applied to the payment of obligations and credit agreements issued, executed, and secured under the authority of this section to be enforced by mandamus against the commission, the Texas Department of Transportation, and the comptroller in a district court of Travis County, and provides that the sovereign immunity of the state is waived for that purpose.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 8, 2005. Requires the ballot to be printed to permit voting for or against the proposition. Sets forth the specific language for the proposition.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 21, 2005

TO: Honorable Todd Staples, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR54 by McClendon (Proposing a constitutional amendment creating the Texas rail relocation and improvement fund and authorizing grants of money and issuance of obligations for financing the relocation, construction, reconstruction, acquisition, improvement, rehabilitation, and expansion of certain rail facilities.), **As Engrossed**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$66,497.

The resolution would propose an amendment to the Texas Constitution to create the Texas Rail Relocation and Improvement Fund (Fund) in the State Treasury and allow the Texas Transportation Commission (TTC) to issue and sell obligations of the state that would be payable from, and secured by a pledge of and a lien on all or part of the money on deposit in the fund, as that aggregate amount was projected by the Comptroller. The proceeds of any obligation issued would have to be deposited in the Fund and be used for specified purposes. The proposed amendment would authorize the Legislature to dedicate to the Fund one or more specific sources or portions, or a specific amount of the revenue, including taxes, and other money of the state not otherwise dedicated by the State Constitution. Obligations issued under the authority of this resolution could not be included in the computation of the limit on state debt payable from the General Revenue Fund, required by Section 49-j, Article III, of the State Constitution. Except that if money had been dedicated to the Fund without specification of its source or the obligations had been found by the Attorney General to be incontestable for any cause, the obligations would be included to the extent the Comptroller projected that general funds of the state, if any, would be required to pay amounts due on or on account of the obligations.

The proposed amendment would allow the Legislature, by law, to authorize TTC to guarantee the payment of any obligations issued and executed by TTC under the authority of this resolution by pledging the full faith and credit of the state to those payments. If that authority is granted, the proposed amendment would require an appropriation and deposit to the Fund, out of the first money coming into the State Treasury in each fiscal year that is not otherwise appropriated by the constitution. The amount would be sufficient to pay the principal and interest on the obligations that become due during that fiscal year, minus any amount in the Fund that is available for those payments.

Costs related to the enactment of this resolution are provided in the cost estimate for the enabling legislation. The proposed constitutional amendment would take effect if approved by voters at an election to be held November 8, 2005.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 352 Bond Review Board, 601 Department of Transportation

LBB Staff: JOB, SR, MW, TG

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 7, 2005

TO: Honorable Mike Krusee, Chair, House Committee on Transportation

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR54 by McClendon (Proposing a constitutional amendment creating the Texas rail relocation and improvement fund and authorizing grants of money and issuance of obligations for financing the relocation, construction, reconstruction, acquisition, improvement, rehabilitation, and expansion of rail facilities.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$66,497.

The resolution would propose an amendment to the Texas Constitution to create the Texas Rail Relocation and Improvement Fund (Fund) in the State Treasury and allow the Texas Transportation Commission (TTC) to issue and sell obligations of the state that would be payable from, and secured by a pledge of and a lien on all or part of the money on deposit in the fund, as that aggregate amount was projected by the Comptroller. The proceeds of any obligation issued would have to be deposited in the Fund and be used for specified purposes.

The proposed amendment would authorize the Legislature to dedicate to the Fund one or more specific sources or portions, or a specific amount of the revenue, including taxes, and other money of the state not otherwise dedicated by the State Constitution. Obligations issued under the authority of this resolution could not be included in the computation of the limit on state debt payable from the General Revenue Fund, required by Section 49-j, Article III, of the State Constitution. Except that if money had been dedicated to the Fund without specification of its source or the obligations had been found by the Attorney General to be incontestable for any cause, the obligations would be included to the extent the Comptroller projected that general funds of the state, if any, would be required to pay amounts due on or on account of the obligations.

The proposed amendment would allow the Legislature, by law, to authorize TTC to guarantee the payment of any obligations issued and executed by TTC under the authority of this resolution by pledging the full faith and credit of the state to those payments. If that authority is granted, the proposed amendment would require an appropriation and deposit to the Fund, out of the first money coming into the State Treasury in each fiscal year that is not otherwise appropriated by the constitution. The amount would be sufficient to pay the principal and interest on the obligations that become due during that fiscal year, minus any amount in the Fund that is available for those payments.

Costs related to the enactment of this resolution are provided in the cost estimate for the enabling legislation. The proposed constitutional amendment would take effect if approved by voters at an election to be held November 8, 2005.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 352 Bond Review Board, 601 Department of Transportation

LBB Staff: JOB, SR, MW, TG

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 21, 2005

TO: Honorable Mike Krusee, Chair, House Committee on Transportation

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR54 by McClendon (Proposing a constitutional amendment creating the Texas rail relocation and improvement fund and authorizing grants of money and issuance of obligations for financing the relocation, construction, reconstruction, acquisition, improvement, rehabilitation, and expansion of rail facilities.), **As Introduced**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$66,497.

The resolution would propose an amendment to the Texas Constitution to create the Texas Rail Relocation and Improvement Fund (Fund) in the State Treasury and allow the Texas Transportation Commission (TTC) to issue and sell obligations of the state that would be payable from, and secured by a pledge of and a lien on all or part of the money on deposit in the fund, as that aggregate amount was projected by the Comptroller. The proceeds of any obligation issued would have to be deposited in the Fund and be used for specified purposes. The proposed amendment would authorize the Legislature to dedicate to the Fund one or more specific sources or portions, or a specific amount of the revenue, including taxes, and other money of the state not otherwise dedicated by the State Constitution. Obligations issued under the authority of this resolution could not be included in the computation of the limit on state debt payable from the General Revenue Fund, required by Section 49-j, Article III, of the State Constitution. Except that if money had been dedicated to the Fund without specification of its source or the obligations had been found by the Attorney General to be incontestable for any cause, the obligations would be included to the extent the Comptroller projected that general funds of the state, if any, would be required to pay amounts due on or on account of the obligations.

The proposed amendment would allow the Legislature, by law, to authorize TTC to guarantee the payment of any obligations issued and executed by TTC under the authority of this resolution by pledging the full faith and credit of the state to those payments. If that authority is granted, the proposed amendment would require an appropriation and deposit to the Fund, out of the first money coming into the State Treasury in each fiscal year that is not otherwise appropriated by the constitution. The amount would be sufficient to pay the principal and interest on the obligations that become due during that fiscal year, minus any amount in the Fund that is available for those payments.

Costs related to the enactment of this resolution are provided in the cost estimate for the enabling legislation. The proposed constitutional amendment would take effect if approved by voters at an election to be held November 8, 2005.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 352 Bond Review Board, 601 Department of Transportation

LBB Staff: JOB, SR, MW, TG

ENROLLED

H.J.R. No. 54

A JOINT RESOLUTION

1 proposing a constitutional amendment creating the Texas rail
2 relocation and improvement fund and authorizing grants of money and
3 issuance of obligations for financing the relocation,
4 construction, reconstruction, acquisition, improvement,
5 rehabilitation, and expansion of certain rail facilities.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Article III, Texas Constitution, is amended by
8 adding Section 49-o to read as follows:

9 Sec. 49-o. (a) In this section:

10 (1) "Commission" means the Texas Transportation
11 Commission or its successor.

12 (2) "Comptroller" means the comptroller of public
13 accounts of the State of Texas.

14 (3) "Department" means the Texas Department of
15 Transportation or its successor.

16 (4) "Fund" means the Texas rail relocation and
17 improvement fund.

18 (5) "Improvement" includes construction,
19 reconstruction, acquisition, rehabilitation, and expansion.

20 (6) "Obligations" means bonds, notes, and other public
21 securities.

22 (b) The Texas rail relocation and improvement fund is
23 created in the state treasury. The fund shall be administered by
24 the commission to provide a method of financing the relocation and

1 improvement of privately and publicly owned passenger and freight
2 rail facilities for the purposes of:

3 (1) relieving congestion on public highways;

4 (2) enhancing public safety;

5 (3) improving air quality; or

6 (4) expanding economic opportunity.

7 (b-1) The fund may also be used to provide a method of
8 financing the construction of railroad underpasses and overpasses,
9 if the construction is part of the relocation of a rail facility.

10 (c) The commission may issue and sell obligations of the
11 state and enter into related credit agreements that are payable
12 from and secured by a pledge of and a lien on all or part of the
13 money on deposit in the fund in an aggregate principal amount that
14 can be repaid when due from money on deposit in the fund, as that
15 aggregate amount is projected by the comptroller in accordance with
16 procedures established by law. The proceeds of the obligations
17 must be deposited in the fund and used for one or more specific
18 purposes authorized by law, including:

19 (1) refunding obligations and related credit
20 agreements authorized by this section;

21 (2) creating reserves for payment of the obligations
22 and related credit agreements;

23 (3) paying the costs of issuance; and

24 (4) paying interest on the obligations and related
25 credit agreements for a period not longer than the maximum period
26 established by law.

27 (d) The legislature by law may dedicate to the fund one or

1 more specific sources or portions, or a specific amount, of the
2 revenue, including taxes, and other money of the state that are not
3 otherwise dedicated by this constitution.

4 (e) Money dedicated as provided by this section is
5 appropriated when received by the state, shall be deposited in the
6 fund, and may be used as provided by this section and law enacted
7 under this section without further appropriation. While money in
8 the fund is pledged to the payment of any outstanding obligations or
9 related credit agreements, the dedication of a specific source or
10 portion of revenue, taxes, or other money made as provided by this
11 section may not be reduced, rescinded, or repealed unless:

12 (1) the legislature by law dedicates a substitute or
13 different source that is projected by the comptroller to be of a
14 value equal to or greater than the source or amount being reduced,
15 rescinded, or repealed and authorizes the commission to implement
16 the authority granted by Subsection (f) of this section; and

17 (2) the commission implements the authority granted by
18 the legislature pursuant to Subsection (f) of this section.

19 (f) In addition to the dedication of specified sources or
20 amounts of revenue, taxes, or money as provided by Subsection (d) of
21 this section, the legislature may by law authorize the commission
22 to guarantee the payment of any obligations and credit agreements
23 issued and executed by the commission under the authority of this
24 section by pledging the full faith and credit of the state to that
25 payment if dedicated revenue is insufficient for that purpose. If
26 that authority is granted and is implemented by the commission,
27 while any of the bonds, notes, other obligations, or credit

1 agreements are outstanding and unpaid, and for any fiscal year
2 during which the dedicated revenue, taxes, and money are
3 insufficient to make all payments when due, there is appropriated,
4 and there shall be deposited in the fund, out of the first money
5 coming into the state treasury in each fiscal year that is not
6 otherwise appropriated by this constitution, an amount sufficient
7 to pay the principal of and interest on the obligations and
8 agreements that become due during that fiscal year, minus any
9 amount in the fund that is available for that payment in accordance
10 with applicable law.

11 (g) Proceedings authorizing obligations and related credit
12 agreements to be issued and executed under the authority of this
13 section shall be submitted to the attorney general for approval as
14 to their legality. If the attorney general finds that they will be
15 issued in accordance with this section and applicable law, the
16 attorney general shall approve them, and, after payment by the
17 purchasers of the obligations in accordance with the terms of sale
18 and after execution and delivery of the related credit agreements,
19 the obligations and related credit agreements are incontestable for
20 any cause.

21 (h) Obligations and credit agreements issued or executed
22 under the authority of this section may not be included in the
23 computation required by Section 49-j, Article III, of this
24 constitution, except that if money has been dedicated to the fund
25 without specification of its source or the authority granted by
26 Subsection (f) of this section has been implemented, the
27 obligations and credit agreements shall be included to the extent

1 the comptroller projects that general funds of the state, if any,
2 will be required to pay amounts due on or on account of the
3 obligations and credit agreements.

4 (i) The collection and deposit of the amounts required by
5 this section, applicable law, and contract to be applied to the
6 payment of obligations and credit agreements issued, executed, and
7 secured under the authority of this section may be enforced by
8 mandamus against the commission, the department, and the
9 comptroller in a district court of Travis County, and the sovereign
10 immunity of the state is waived for that purpose.

11 SECTION 2. This proposed constitutional amendment shall be
12 submitted to the voters at an election to be held November 8, 2005.
13 The ballot shall be printed to permit voting for or against the
14 proposition: "The constitutional amendment creating the Texas rail
15 relocation and improvement fund and authorizing grants of money and
16 issuance of obligations for financing the relocation,
17 rehabilitation, and expansion of rail facilities."

H.J.R. No. 54

President of the Senate

Speaker of the House

I certify that H.J.R. No. 54 was passed by the House on April 25, 2005, by the following vote: Yeas 107, Nays 24, 1 present, not voting.

Chief Clerk of the House

I certify that H.J.R. No. 54 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

RECEIVED: _____

Date

Secretary of State

President of the Senate

Speaker of the House

I certify that H.J.R. No. 54[✓] was passed by the House on
(1)

April 25[✓], 2005, by the following vote:
(2)

Yeas 107[✓], Nays 24[✓], 1 present, not voting[✓]
(3) (4)

Chief Clerk of the House

I certify that H.J.R. No. 54[✓] was passed by the Senate on

May 25[✓], 2005, by the following vote:
(5)

Yeas 31[✓], Nays 0[✓]
(6) (7)

Secretary of the Senate

RECEIVED:

Date

Secretary of State

**** Preparation: CT23

79TH LEGISLATURE

COAUTHOR AUTHORIZATION

(please request your coauthors to sign this form
in lieu of the front or the back of the original bill)

Bill or Resolution Number:

HJR 54

Ruth McClendon

signature of primary author

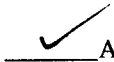
McClendon

printed name of primary author

4-21-05

Date

PERMISSION TO SIGN HJR 54 HAS BEEN GIVEN TO (check only one of the following):
(bill or resolution #)



ALL REPRESENTATIVES

THE FOLLOWING REPRESENTATIVE(S):

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

A2100 Allen, Alma	Date	A2435 Coleman	Date	A2800 Escobar	Date
A2115 Allen, Ray	Date	A2450 Cook, Byron	Date	A2795 Farabee	Date
A2125 Alonzo	Date	A2565 Cook, Robert "Robby"	Date	A2810 Farrar	Date
A2150 Anchia	Date	A2595 Corte	Date	A2840 Flores	Date
A2155 Anderson	Date	A2605 Crabb	Date	A2850 Flynn	Date
A2160 Bailey	Date	A2610 Craddick	Date	A2860 Frost	Date
A2170 Baxter	Date	A2640 Crownover	Date	A2920 Gallego	Date
A2205 Berman	Date	A2620 Davis, John	Date	A2960 Gattis	Date
A2220 Blake	Date	A2625 Davis, Yvonne	Date	A2945 Geren	Date
A2230 Bohac	Date	A2635 Dawson	Date	A2935 Giddings	Date
A2250 Bonnen	Date	A2680 Delisi	Date	A2910 Gonzales	Date
A2280 Branch	Date	A3385 Denny	Date	A4660 Gonzalez Toureilles	Date
A2265 Brown, Betty	Date	A2690 Deshotel	Date	A2985 Goodman	Date
A2270 Brown, Fred	Date	A2705 Driver	Date	A2990 Goolsby	Date
A2255 Burnam	Date	A2665 Dukes	Date	A3010 Griggs	Date
A2295 Callegari	Date	A2660 Dunnam	Date	A3020 Grusendorf	Date
A2290 Campbell	Date	A2650 Dutton	Date	A3045 Guillen	Date
A2490 Casteel	Date	A2770 Edwards	Date	A3035 Haggerty	Date
A2495 Castro	Date	A2775 Eiland	Date	A3050 Hamilton	Date
A2585 Chavez	Date	A2780 Eissler	Date	A2695 Hamric	Date
A2480 Chisum	Date	A2785 Elkins	Date	A3160 Hardcastle	Date

A3165 Harper-Brown	Date	A3540 Laubenberg	Date	A4230 Quintanilla	Date
A3170 Hartnett	Date	A3560 Leibowitz	Date	A4215 Raymond	Date
A3190 Hegar	Date	A3620 Luna	Date	A4236 Reyna	Date
A3140 Herrero	Date	A3715 Madden	Date	A4220 Riddle	Date
A3250 Hilderbran	Date	A3780 Martinez	Date	A4250 Ritter	Date
A3275 Hill	Date	A2835 Martinez Fischer	Date	A4270 Rodriguez	Date
A3305 Hochberg	Date	A3665 McCall	Date	A4350 Rose	Date
A3290 Hodge	Date	A3650 McClendon	Date	A4420 Seaman	Date
A3325 Homer	Date	A3845 McReynolds	Date	A4525 Smith, Todd	Date
A3320 Hope	Date	A3830 Menendez	Date	A4540 Smith, Wayne	Date
A3330 Hopson	Date	A3840 Merritt	Date	A4530 Smithee	Date
A3315 Howard	Date	A3835 Miller	Date	A4550 Solis	Date
A3340 Hughes	Date	A3855 Moreno, Joe	Date	A4505 Solomons	Date
A3355 Hunter	Date	A3860 Moreno, Paul	Date	A4545 Strama	Date
A3360 Hupp	Date	A3870 Morrison	Date	A4570 Swinford	Date
A3375 Isett	Date	A3865 Mowery	Date	A4585 Talton	Date
A3350 Jackson	Date	A3885 Naishtat	Date	A4600 Taylor	Date
A3405 Jones, Delwin	Date	A3895 Nixon	Date	A4630 Thompson	Date
District 121	Date	A3900 Noriega	Date	A4650 Truitt	Date
A3400 Jones, Jesse	Date	A3880 Oliveira	Date	A4685 Turner	Date
A3475 Keel	Date	A3886 Olivo	Date	A4695 Uresti	Date
A3410 Keffer, Bill	Date	A3930 Orr	Date	A4700 Van Arsdale	Date
A3480 Keffer, Jim	Date	A3945 Otto	Date	A4725 Veasey	Date
A3470 King, Phil	Date	A4100 Paxton	Date	A4800 Villarreal	Date
A3465 King, Tracy	Date	A4140 Pena	Date	A4900 Vo	Date
A3495 Kolkhorst	Date	A4160 Phillips	Date	A4995 West	Date
A3485 Krusee	Date	A4180 Pickett	Date	A4985 Wong	Date
A3450 Kuempel	Date	A4185 Pitts	Date	A5005 Woolley	Date
A3510 Laney	Date	A4200 Puente	Date	A5150 Zedler	Date

for chief clerk use only

Bill or Resolution Number:

HJR 54

JOINT AUTHOR AUTHORIZATION

As primary author of HJR 54 I hereby authorize the following joint author(s):
(bill or resolution #)

REP. MIKE KRUSEE
printed name of joint author #1

[Signature]
signature of joint author #1

APR 20 2005

printed name of joint author #2

signature of joint author #2

printed name of joint author #3

signature of joint author #3

printed name of joint author #4

signature of joint author #4

[Signature]
signature of primary author

4/20/2005
date

Ruth McClelland

proposing a constitutional amendment creating the Texas rail relocation and improvement fund and authorizing grants of money and issuance of obligations for financing the relocation, construction, reconstruction, acquisition, improvement, rehabilitation, and expansion of rail facilities.

FEB 23 2005

Filed with the Chief Clerk

MAR 02 2005

Read first time and referred to Committee on Transportation

APR 07 2005

Reported favorably (as substituted)

APR 08 2005

Sent to Committee on Calendars

APR 25 2005

Read second time (comm. subst.) (amended) and adopted (~~passed to third reading~~) by a record vote of 107 yeas, 24 nays, 1 present, not votingRead third time (amended) and finally adopted (failed of adoption) by a record vote of yeas, nays, present, not voting

APR 26 2005

Engrossed

APR 26 2005

Sent to Senate

Robert H. Hays
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

APR 26 2005

Received from the House

MAY 20 2005

Read and referred to Committee on TRANSPORTATION & HOMELAND SECURITY

MAY 23 2005

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

MAY 25 2005

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent) yeas, nays)

MAY 25 2005

Read second time, , and passed to third reading by (unanimous consent) (a viva voce vote) yeas, nays)

MAY 25 2005

Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 nays

MAY 25 2005

Read third time, , and passed by 31 yeas, 0 nays

May 26, 2005

Returned to the House

Lataf Spaw
SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 26 2005

Returned from the Senate (~~amended~~)
(with amendment)

House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: _____, Chair; _____,
_____, _____,

Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____,

Conference committee report adopted (rejected) by the House by a record vote of
_____ yeas, _____ nays, _____ present, not voting

Conference committee report adopted (rejected) by the Senate by a record vote of
_____ yeas, _____ nays

05 APR -8 AM 7:54

HOUSE OF REPRESENTATIVES